

And, further to correct said bill by striking out the words "or before" in line 5 of Section 6 of said bill.

The resolution was read; and on motion of Senator Aikin and by unanimous consent, it was considered immediately.

The resolution was adopted.

House Concurrent Resolution 137

On motion of Senator Hazlewood, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 137, Authorizing certain corrections in H. B. No. 655.

The President laid the resolution before the Senate, and it was read and adopted.

Adjournment

Senator Lanning moved that the Senate adjourn until 10 o'clock a. m. Monday, May 10, 1943.

Senator Brownlee moved that the Senate adjourn until 1:00 o'clock p. m. tomorrow.

Question first recurring on the motion of Senator Lanning, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—13

Beck	Martin
Bullock	Mauritz
Cotten	Moore
Graves	Morris
Hazlewood	Ramsey
Lane	Weinert
Lanning	

Nays—11

Aikin	Stone
Jones	Sulak
Lovelady	Vick
Metcalfe	Winfield
Moffett	York
Shivers	

Absent

Brownlee	Chadick
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Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

The Senate, accordingly, at 5:30 o'clock p. m., adjourned until 10 o'clock a. m. Monday, May 10, 1943.

SIXTY-SIXTH DAY

(Monday, May 10, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Friday, May 7, 1943 was dispensed with and the Journal was approved.

Senate Concurrent Resolution 58

Senator Moffett offered the following resolution:

S. C. R. No. 58, Relating to certificates for Texans who have died in the service of their country.

Whereas, Texans are serving throughout the world in the military and naval forces of the United States, and are keeping bright the proud military tradition of the State; and

Whereas, Some of these Texans have already made the supreme sacrifice, and many others will likewise give their lives ere this World War is concluded, that others may live in freedom; and

Whereas, The people of Texas owe to the next of kin of these immortal dead some form of recognition and appreciation of their heroism; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the Governor of this State be directed to send to the family or next of kin, of each person whose life is lost while in the service of his country in this War, a suitable certificate or card expressing the

sympathy and admiration of the people of the State of Texas; such certificate or card to be signed by the Governor and countersigned by the Secretary of State, and to which the great seal of the State shall be affixed. The form of such certificate or card shall be approved by the Governor and the names of the men and women whose deaths are to be observed shall be obtained from the official lists of war fatalities which are compiled by the Departments of War and Navy of the United States Government; and be it further

Resolved, That the actual expenses necessary to carry out the provisions of this resolution, including postage, stationery, and printing shall be paid from the Contingent Fund appropriated by the Forty-eighth Legislature, after due approval of said expenses by the Chairman of the Senate and House Committees on Contingent Expenses.

The resolution was read and was adopted.

Senate Concurrent Resolution 59

Senator Lovelady offered the following resolution:

Be It Resolved by the Senate of Texas, the House concurring, That Joint Rule No. 9 be suspended for today and tomorrow to the extent that the House and Senate may be permitted to consider the passage of bills on third reading as of the hour of convening today.

The resolution was read and was adopted unanimously.

Senate Resolution 100

Senator Aikin offerer the following resolution:

Whereas, This session of the Legislature is drawing to a close; and

Whereas, It is the desire of the Members of the Senate to express our appreciation for the fine cooperation we have received from the Executive office; and

Whereas, The present Chief Executive of the State has at all times kept the doors of that branch of the government open to the Members of the Legislature and has advised and worked with Members of the Senate on all occasions. That through his most understanding nature and his cool and deliberate manner in ap-

proaching problems affecting our State government, his advice and council has meant much toward the welfare and the progress of the State on legislation effecting public policy; and

Whereas, In our humble opinion, the present Chief Executive will go down in history as one of Texas great and outstanding Governors that has seldom been equaled and never excelled; now, therefore, be it

Resolved by the Senate, That the Lieutenant-Governor appoint a committee of three to deliver a copy of this resolution to the Honorable Coke R. Stevenson, Governor of Texas, and that he be requested to accept it as a gesture of our appreciation for him as a man, a truly great Texan, and for the fine cooperation he has extended us during this the Regular Session of the Forty-eighth Legislature.

AIKIN,
MAURITZ.

Signed—Aikin, Beck, Brownlee, Bullock, Chadick, Cotten, Fain, Formby, Graves, Hazlewood, Jones, Kelley, Lane, Lanning, Lemens, Lovelady, Martin, Mauritz, Metcalfe, Moffett, Moore, Morris, Ramsey, Shivers, Spears, Stone, Sulak, Vick, Weinert, Winfield, and York.

The resolution was read.

On motion of Senator Sulak, and by unanimous consent, the names of all the Senators were added to the resolution as signers thereof.

The resolution was adopted unanimously by a rising vote.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 10, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

S. B. No. 338, "An Act to amend Section 1, Article 2700.1, Title 49, Revised Civil Statutes of 1925, 1942 supplement, pertaining to the salaries of elective county superintendents and to office and traveling expense."

(With amendments.)

S. B. No. 214, A bill to be entitled "An Act to provide for the exemption from Title 78 of the Revised Civil Statutes of 1925, and amendments thereto, corporations or unincorporated associations organized for the purpose of supporting charitable, benevolent, educational, or missionary undertakings financed in whole or in part by the United States of America; and declaring an emergency."

The House has adopted the Conference Committee Report on S. B. No. 27 by a viva voce vote.

S. B. No. 128, A bill to be entitled "An Act amending Article 4542-a, Chapter 8, Title 71 of the Revised Civil Statutes of Texas, 1925, as amended by Acts, Forty-fourth Legislature, 1935; etc.; and declaring an emergency."

(With amendments.)

S. C. R. No. 53, Memorializing Congress relative to Wool Growers of Texas.

S. B. No. 323, A bill to be entitled "An Act authorizing the State Board of Control to purchase real property and improvements from any person, firm, or corporation having such property for sale at a cost of not to exceed \$200,000.00 for such real property, improvements, and equipment; etc.; and declaring an emergency."

(With amendments.)

S. B. No. 354, "An Act making appropriations to pay miscellaneous claims out of the General Revenue Fund, or such other funds as may be designated herein for each item, not otherwise appropriated; etc.; and declaring an emergency."

(With amendments.)

S. C. R. No. 56, Recalling S. B. No. 335 from the Governor for correction.

S. C. R. No. 57, Authorizing the Enrolling Clerk of the Senate to make corrections in S. B. No. 335.

S. C. R. No. 59, Suspending Joint Rule No. 9 today and tomorrow, May 10 and 11 that the House and Senate may be permitted to consider the passage of bills on third reading as of the hour of convening today.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

Report of Conference Committee on Senate Bill 230

Senator Morris submitted the following report:

May 3, 1943.

Hon. John Lee Smith, Lieutenant-Governor,
Hon. Price Daniel, Speaker of the House.

Gentlemen: We, your Conference Committee, appointed to adjust the differences on S. B. No. 230, have had the same under consideration, and beg leave to report that it be passed in the form and the text attached hereto.

MORRIS,
LOVELADY,
MOORE,
SHIVERS,
BULLOCK,

On the Part of the Senate;
HUTCHINS,
LEHMAN,
LANSBERRY,
FLEWELLEN,
MANFORD,

On the Part of the House.

By Senators Morris, Moore, and Shivers:

S. B. No. 230

A BILL To Be Entitled

"An Act regulating public and private emergency ambulances operated in the State of Texas; providing for issuance of permits for their operation, and for the kind of minimum equipment and qualifications of persons operating the same and connected therewith; providing for permits, and requirements for operation thereof; prohibiting the operation thereof without a permit; providing penalties for violation thereof; providing for enforcement of this Act; repealing all conflicts; and declaring an emergency."

Be It Enacted by the Legislature of the State of Texas:

Section 1. No person, firm or corporation shall operate or cause to be operated in the State of Texas, any emergency ambulance, public or private, or any other vehicle commonly used for the transportation or conveyance of the sick or injured, without first securing a permit therefor from the State Board of Health as hereinafter provided.

Sec. 2. Every ambulance, patrol automobile or vehicle hereinafter described, before permit is issued therefor, shall be equipped with and, when in service, carry as minimum equipment the following:

- (a) A first aid kit
- (b) Traction splints for the proper transportation of fractures of the extremities.

Sec. 3. Every such ambulance or vehicle hereinabove described, when in service, shall be accompanied by at least one person who has acquired theoretical or practical knowledge in first aid as prescribed and certified by the American Red Cross, evidenced by a certificate issued to such person by the State Board of Health.

Provided, however, that after the passage of this Act, firms or establishments operating ambulances will be given sixty days in which to furnish such Red Cross First Aid Course as specified herein; and, further, that in the future, new employees employed for the purpose of operating ambulances will be given sixty days in which to complete said first aid course.

Sec. 4. Application for a permit to operate any such ambulance or other vehicle hereinabove described, on the streets of any city or on the highways of this State, shall be made upon a form prescribed by the State Board of Health. Said application shall be made to any public health officer of any of the political subdivisions of this State where said applicant's principal place of business is located, and if said public health officer finds that the applicant has complied with the provisions of this Act and the rules and regulations prescribed by the State Board of Health for the purpose of carrying out this Act, it shall be the duty of the State Board of Health to issue a permit to said applicant, which permit shall expire two years from the date of its issuance. Such permit shall be renewed by the State Board of Health upon finding by a health officer of a political subdivision of this State that the holder of said permit is complying with the provisions of this Act and the rules and regulations of the State Board of Health. Provided, however, that all incorporated cities and towns are hereby authorized to regulate the use of sirens, warning signals, warning lights and

illuminating and sound devices used on ambulances or other vehicles for the transportation or conveyance of sick or injured."

Each permit shall be numbered and posted at such place in the interior of the ambulance or vehicle as the State Board of Health may prescribe.

Any such permit may be subject to revocation by the State Board of Health upon the finding by a public health officer of any political subdivision of this State that said permittee has failed to comply with the provisions of this Act or the rules and regulations of the State Board of Health; provided, however, that said permittee is given notice and an opportunity to be heard.

Sec. 5. Any person violating the provisions of this Act shall, upon conviction thereof, be punished by a fine of not to exceed One Hundred (\$100.00) Dollars.

Sec. 6. If any part or parts of this Act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act. The Legislature hereby declares that it would have passed the remaining parts of this Act if it had known that such part or parts thereof would be declared unconstitutional.

Sec. 7. That all laws or parts of laws in conflict with this Act are hereby repealed.

Sec. 8. The importance of this Act for the benefit of public safety creates an emergency and an imperative public necessity requiring that the constitutional rule requiring all bills to be read on three several days in each House be suspended, and that same is hereby suspended, and that this Act shall take effect and be in force from and after August 1, 1943, and it is so enacted.

The report was adopted.

Conference Committee on Senate Bill 354

Senator Mauritz called S. B. No. 354 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate, and the House amendments were read.

Senator Mauritz moved that the Senate do not concur in the House

amendments and that a Conference Committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate:

Senators Lovelady, Weinert, Metcalfe, Mauritz, and Lanning.

House Bill 696 on Second Reading

On motion of Senator Ramsey, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 696, A bill to be entitled "An Act amending Section 6 of Chapter 426, Acts of the Regular Session of the Forty-fifth Legislature, as amended by Section 3 of H. B. No. 828, Chapter 480, Acts of the Regular Session of the Forty-seventh Legislature, as amended by Section 1 of H. B. No. 1094, Chapter 613, Acts of the Regular Session of the Forty-seventh Legislature; etc.; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

House Bill 696 on Third Reading

Senator Ramsey moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 696 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—18

Aikin	Metcalfe
Browniee	Moffett
Bullock	Morris
Cotten	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lovelady	Weinert
Martin	Winfield
Mauritz	

Nays—2

Chadick

Present—Not Voting

Moore

Absent

Beck	Vick
Graves	York
Lanning	

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Vote

Senator Moore asked to be recorded as voting "nay" on the passage of the bill.

Hour for Executive Session

On motion of Senator Brownlee, and by unanimous consent the Senate agreed to hold an executive session at 11:30 o'clock a. m. today.

House Bill 685 on Passage to Third Reading

The President laid before the Senate, as a special order for this hour, on its passage to third reading (the bill having been read second time on May 7, 1943):

H. B. No. 685, A bill to be entitled "An Act to amend Section 11 of H. B. No. 264 as enacted by the Forty-eighth Legislature in 1943; and declaring an emergency."

Senator Bullock offered the following amendment to the bill:

Amend Section 1 of H. B. No. 685 to be and read:

"Section 1. That Section 11 of H. B. No. 264 Acts of the Forty-eighth Legislature be and it is hereby amended so as to read and be as follows:

"Sec. 11. FEES. With the written consent of the applicant or person for whom employment is obtained, but not otherwise, a fee for securing employment, which is obtained and accepted, may be charged and collected from the person so accepting employment in an amount which shall not exceed the sum of Three (\$3.00) Dollars unless such employment is secured by an employment agent engaged exclusively in providing employment for office, teaching, professional or clerical positions; in which event such fee shall

not exceed forty (40%) per centum of the first month's salary for employment, other than on a definite contract for a period of months, and not to exceed the lessor of five (5%) per centum of the salary for each of the months of such contract period or forty five (45%) per centum of one month's salary in the aggregate if such employment is obtained and accepted by definite contract for a period of months."

(Senator Ramsey in the Chair.)

The amendment was adopted.

The bill was passed to third reading.

House Bill 685 on Third Reading

Senator Bullock moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 685 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York

Nays—1

Aikin

Absent

Lanning

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Aikin, Beck, and Moffett asked to be recorded as voting "nay" on the bill.

(President in the Chair.)

(Senator Winfield in the Chair.)

Motion to Take up House Bill 417

Senator Lovelady moved that the regular order of business be suspended to take up for consideration at this time:

H. B. No. 417, "Authorizing the State of Texas to accept from the City of Laredo, Texas, the tuberculosis hospital located in the City of Laredo."

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—15

Aikin	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Graves	Shivers
Hazlewood	Sulak
Lovelady	Winfield
Mauritz	

Nays—9

Beck	Ramsey
Cotten	Stone
Lane	Vick
Lanning	Weinert
Martin	

Absent

Jones	York
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Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

Message from the Governor

Austin, Texas,
May 10, 1943.

To the Members of the Forty-eighth Legislature:

I am returning herewith S. B. No. 325 to the Senate without my approval. I have already signed H. B. No. 654 which appears to be identical in language and covers the same subject matter as S. B. No. 325.

Respectfully submitted,
COKE R. STEVENSON,
Governor of Texas.

House Bill 712 on Second Reading

Senator Moffett moved the regular order of business be suspended to take up H. B. No. 712 for consideration at this time.

The motion prevailed by the following vote:

Yeas—16

Brownlee	Formby
Bullock	Graves
Chadick	Hazlewood

Lanning	Moore
Lovelady	Ramsey
Mauritz	Stone
Metcalfe	Sulak
Moffett	Vick
Nays—7	
Aikin	Morris
Beck	Weinert
Lane	Winfield
Martin	
Absent	
Jones	York
Shivers	
Absent—Excused	
Cotten	Lemens
Fain	Spears
Kelley	

The Presiding Officer laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time.

Senator Moffett offered the following amendments to the bill:

Amend H. B. No. 712 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. Storm facts. On the 28th day of April, 1942, a tornado of unprecedented force and devastating effect descended on the city and territory of Crowell, Texas, and destroyed eighty-five (85) per cent of all buildings in the city and swept across the county. The record reflects that this is the first and only tornado of such unrelenting power and destructive nature to lay waste the city and territory of Crowell, Texas.

"Sec. 2. Legislative intent. It is the express and legislative intent of this Act to recognize this unprecedented destruction of property in Foard County as a 'great public calamity.'

"Sec. 3. For a period of five (5) years, commencing with the fiscal year beginning September 1, 1943, there is hereby donated and granted to the City of Crowell and the County of Foard all State ad valorem taxes collected for General Revenue purposes upon the property and from the people in the County of Foard to be used as hereinafter provided:

"(a) One-half of the taxes granted and donated shall be granted to the County of Foard to be used to repair, replace, and rebuild the county jail, county buildings, roadways, and bridges destroyed by this great public calamity, or for the payment of

either interest or principal on any bond issued for replacement of such buildings and equipment.

"(b) One-half of the taxes granted and donated shall be granted to the City of Crowell to be used by the City of Crowell to rebuild the city water works and to repair and replace all city buildings and city fire fighting equipment destroyed by this great public calamity, or for the payment of either interest or principal on any bond issued for replacement repairs of such buildings and equipment.

"(c) The Assessor-Collector of Taxes for Foard County shall, on forms to be furnished by the State Comptroller of Public Accounts, make an itemized report at the end of each month, under oath, to the Comptroller of Public Accounts, showing each and every item of State ad valorem taxes collected by him, as provided in this Act, upon property and from persons owning property within the County of Foard, accompanying same with a summarized statement showing the full disposition of all such taxes collected. The Assessor-Collector shall then immediately forward his report so certified to the Comptroller, and shall pay over to the City Treasurer of Crowell and the County Treasurer of Foard County all monies collected by him during the month for which said report it made under the provisions of this Act, except such amounts as are allowed by law for assessing and collecting the same, and shall forward a duplicate copy of the receipts given him by the Treasurer of the City of Crowell and the Treasurer of the County of Foard for such monies to the Comptroller of Public Accounts.

"The Treasurer of the City of Crowell and the County Treasurer of Foard County shall, at the end of each quarter, make an itemized report under oath to the Comptroller of Public Accounts showing the amount of money received by each of them from the Assessor-Collector of taxes for Foard County, and what disbursements, if any have been made during the quarter, have been made on such monies.

"Sec. 4. All laws and parts of laws in conflict herewith are hereby expressly suspended during the terms of this Act in so far as they may affect this Act.

"Sec. 5. The fact that the town of Crowell, Texas, and surrounding ter-

ritory has been laid waste by a tornado, and the fact that the public calamity is so great that it is almost impossible for this historical town to regain its normal life, creates an emergency and an imperative public necessity that the Constitutional Rule requiring that bills be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

(2)

Amend H. B. No. 712 by striking out all above the enacting clause and inserting in lieu thereof the following:

"A BILL
"To Be Entitled

"An Act making a legislative find that the recent tornado in Foard County was a great public calamity and donating and granting to the City of Crowell and the County of Foard certain State ad valorem taxes for a period of five (5) years; providing that one-half of said taxes shall be granted to the City of Crowell and one-half shall be granted to the County of Foard; providing for the Tax Assessor-Collector of Foard County to make distribution of taxes collected by him to the City of Crowell and to Foard County; and declaring an emergency."

The amendments were adopted severally.

The bill was passed to third reading.

Record of Vote

Senators Aikin, Cotten, Morris, Lane, and Bullock asked to be recorded as voting "nay" on the passage of the bill to third reading.

House Bill 712 on Third Reading

Senator Moffett moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 712 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—20

Brownlee	Jones
Bullock	Lane
Chadick	Lanning
Cotten	Lovelady
Graves	Mauritz
Hazlewood	Metcalf

Moffett	Stone
Moore	Sulak
Ramsey	Vick
Shivers	Weinert
Nays—5	
Aikin	Winfield
Martin	York
Morris	
Absent	
Beck	
Absent—Excused	
Fain	Lemens
Formby	Spears
Kelley	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—15

Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Graves	Ramsey
Jones	Shivers
Lanning	Stone
Lovelady	Sulak
Mauritz	

Nays—9

Aikin	Morris
Beck	Weinert
Cotten	Winfield
Lane	York
Martin	

Absent

Hazlewood	Vick
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Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

(Senator Moore in the Chair.)

Senate Bill 338 with House
Amendments

Senator Vick called S. B. No. 338 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

On motion of Senator Vick, the Senate concurred in the House amendments to the bill.

House Bill 746 on Second Reading

On motion of Senator Lanning, and by unanimous consent, the regular order of business was suspended to

take up for consideration at this time

H. B. No. 746, A bill to be entitled "An Act authorizing any political subdivision of this State to invest balances remaining in their accounts at the end of any fiscal year in Defense Bonds or other obligations of the United States of America; etc.; and declaring an emergency."

The Presiding Officer laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

House Bill 746 on Third Reading

Senator Lanning moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 746 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

House Concurrent Resolution 131

On motion of Senator Moore, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 131, Authorizing Gulf Oil Corporation to sue the State.

The Presiding Officer laid the resolution before the Senate, and it was read and was adopted.

House Concurrent Resolution 120

On motion of Senator Moore, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 120, Authorizing Board of Control to issue deed to certain parcel of land in La Porte, Texas.

The Presiding Officer laid the resolution before the Senate and it was read.

Senator Moore offered the following amendment to the bill:

Amend H. C. R. No. 120 by inserting after the words "hereby authorized" in paragraph three thereof, the words:

"if the Board of Control finds such facts to be correct."

The amendment was adopted.

The resolution as amended was adopted.

Senate Resolution 101

Senator Chadick, by unanimous consent, offered the following resolution at this time:

Whereas, Honorable Will D. Suiter, a former Member of the Senate, is in Austin, Texas; and

Whereas, Senator Suiter has been a distinguished citizen and public leader of this State for many years; and

Whereas, Senator Suiter is the father of Miss Elizabeth Suiter, the charming Member of the House from Wood County; now, therefore, be it

Resolved by the Senate, That the Honorable Will D. Suiter be invited

upon and given the privileges of the floor.

The resolution was read and was adopted.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 10, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

The House has concurred in Senate amendments to H. B. No. 136 by a viva voce vote.

The House has concurred in Senate amendments to H. B. No. 358 by a viva voce vote.

The House has concurred in Senate amendments to H. B. No. 468 by a viva voce vote.

The House has concurred in Senate amendments to H. B. No. 606 by a viva voce vote.

The House has concurred in Senate amendments to H. B. No. 651 by a viva voce vote.

The House has concurred in Senate amendments to H. B. No. 719 by a viva voce vote.

The House has concurred in Senate amendments to H. B. No. 728 by a viva voce vote.

The House has concurred in Senate amendments to H. B. No. 751 by a vote of 134 yeas, 0 noes.

The House has concurred in Senate amendments to H. B. No. 755 by a vote of 134 yeas, 0 noes.

The House has granted the request of the Senate for the appointment of a Conference Committee on S. B. No. 89, and appointed the following conferees: Gilmer, Flewellen, Manford, Lasseter, and Chessher.

S. C. R. No. 54, Commending Mr. Alden G. Roach, President; Captain Harry B. Hird, Vice President; and Mr. Harvey C. Cranfield, Vice President and all of the employees of Consolidated Steel Corporation, Ltd., for their patriotic efforts in the interest of winning the war and building up the industries of Texas.

H. B. No. 765, "Relating to birth certificates."

H. B. No. 761, "Granting permission to sue the State."

H. B. No. 392, A bill to be entitled "An Act providing and authorizing that any bonds, interest thereon, or similar obligations, issued by any municipality or political subdivision of the State may be payable at the office of the State Treasurer; etc.; and declaring an emergency."

H. C. R. No. 141, Instructing the Enrolling Clerk of the House of Representatives to delete in line 4, Section 6 of H. B. No. 632 the word "their" and insert in lieu thereof the word "either."

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

House Bill 310 on Second Reading

On motion of Senator Shivers, and by unanimous consent, the regular order of business be suspended to take up for consideration at this time:

H. B. No. 310, A bill to be entitled "An Act to amend Chapter 292, Acts of the Regular Session of the Forty-first Legislature, as amended by Chapter 584, Acts of the Regular Session of the Forty-seventh Legislature, the same being entitled 'An Act to aid the City of Port Arthur, Texas, situated in Commissioners' Precinct Number 2 of Jefferson County, Texas, in constructing and maintaining sea walls, breakwaters and shore protections in order to protect said city from calamitous overflows, by donating to it eight-ninths (8/9) of ad valorem taxes collected on all property, both real and personal, in Commissioners' Precinct Number 2 of Jefferson County, Texas, for a period of twenty years, providing a penalty for misapplication of the monies thus donated, and declaring an emergency' by extending the provisions of said Act for a period of fifteen years from September 1, 1949; etc.; and declaring an emergency."

The Presiding Officer laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

House Bill 310 on Third Reading

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be sus-

pending and that H. B. No. 310 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—20

Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Graves	Morris
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	York
Martin	

Nays—5

Aikin	Weinert
Bullock	Winfield
Ramsey	

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Aiken, Bullock, Cotten, Lane, and Morris asked to be recorded as voting "nay" on the passage of the bill.

House Bill 652 on Second Reading

On motion of Senator Ramsey, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 652, A bill to be entitled "An Act to release all State ad valorem taxes in the County of San Augustine, in the State of Texas, for a period of five years; etc.; and declaring an emergency."

The Presiding Officer laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

House Bill 652 on Third Reading

Senator Ramsey moved that the constitutional rule requiring bills to be read on three several days be sus-

pending and that H. B. No. 652 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—20

Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Winfield
Mauritz	York

Nays—5

Aikin	Morris
Bullock	Weinert
Martin	

Absent

Jones

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Aikin, Bullock, Cotten, Lane, and Morris asked to be recorded as voting "nay" on the passage of the bill.

House Bill 25 on Second Reading

On motion of Senator Stone, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 25, "To aid the town of Freeport, Texas by donating and granting ad valorem taxes for certain period."

The Presiding Officer laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and passed to third reading.

House Bill 25 on Third Reading

Senator Stone moved that the constitutional rule requiring bills to be read on three several days be sus-

pending and that H. B. No. 25 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—21

Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Winfield
Martin	York
Mauritz	

Nays—5

Aikin	Morris
Bullock	Weinert
Cotten	

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Aikin, Bullock, Cotten, Lane, and Morris asked to be recorded as voting "nay" on the passage of the bill.

Hour for Executive Session

On motion of Senator York, and by unanimous consent, it was agreed that the executive session be held today at 12:05 o'clock p. m., instead of at 11:30 o'clock a. m.

(President in the Chair.)

House Bill 521 on Second Reading

On motion of Senator Winfield, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 521, A bill to be entitled "An Act to amend Article 3891, Revised Civil Statutes of Texas, as amended, to provide that county officers in counties containing twenty-five thousand (25,000) inhabitants or less, shall retain excess fees which will amount to, together with the

amount specified in Article 3883, the sum of Thirty-five Hundred (\$3500.00) Dollars, and one-fourth (1/4) of additional excess fees not to exceed a total of Forty-two Hundred and Fifty (\$4,250.00) Dollars; etc.; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time.

Senator Winfield offered the following amendment to the bill:

Amend H. B. No. 521 by striking out Section 1 and inserting in lieu thereof the following:

"Section 1. Section 2 of S. B. No. 209, Chapter 220, Acts of the Forty-third Legislature, Regular Session, is amended so as to hereafter read as follows:

"Each officer named in this Chapter shall first out of the current fees of his office pay or be paid the amount allowed him under the provisions of Article 3883, together with the salaries of his assistants and deputies, and authorized expenses under Article 3899, and the amount necessary to cover costs of premium on whatever surety bond may be required by law. If the current fees of such office collected in any year be more than the amount needed to pay the amounts above specified, same shall be deemed excess fees, and shall be disposed of in the manner hereinafter provided.

"In counties containing twenty thousand (20,000) or less inhabitants, district and county officers named herein shall retain all such excess fees until such excess fees, together with the amount specified in Article 3883, amounts to Thirty-six Hundred (\$3600) Dollars, and shall retain one-fourth of any additional excess fees until such one-fourth, together with the amount specified in Article 3883, and the amount of excess fees herein allowed, amounts to Forty-two Hundred and Fifty (\$4250) Dollars. Precinct officers shall retain one-third of such excess fees until such one-third, together with the amount specified in Article 3883, amounts to Fourteen Hundred (\$1400) Dollars.

"All current fees earned and collected by officers named in Article 3883 during any fiscal year in excess of the maximum and excess allowed by this Act, and for their serv-

ices and for the services of their deputies and assistants and authorized expenses, together with all delinquent fees collected and not used as provided in Article 3892, or used to pay salaries of deputies and assistants when current fees are insufficient, shall be paid into the county treasurer in the county where the excess accrued.

"All fees due and not collected, as shown in the report required by Article 3897, shall be collected by the officer to whose office the fees accrued and shall be disposed of by said officer in accordance with the provisions of this Act.

"The compensations, limitations and maximums herein fixed in this Act for officers shall include and apply to all officers mentioned herein in each and every county of this State, and it is hereby declared to be the intention of the Legislature that the provisions of this Act shall apply to each of said officers, and any Special or General Law inconsistent with the provisions hereof is hereby expressly repealed in so far as the same may be inconsistent with this Act.

"The compensation, limitations and maximum herein fixed shall also apply to all fees and compensations whatsoever collected by said officers in their official capacity, whether accountable as fees of office under the present law, and any law, General or Special, to the contrary is hereby expressly repealed. The only kind and character of compensation exempt from the provisions of this Act shall be rewards received by sheriffs for apprehension of criminals or fugitives from justice and for the recovery of stolen property, and moneys received by county judges and justices of the peace for performing marriage ceremonies, which sum shall not be accountable for and not required to be reported as fees of office."

The amendment was adopted.

Senator Metcalfe offered the following amendment to the bill:

Amend H. B. No. 521, Section 2, by adding after the figures "\$2,100.00" the following

"and not less than Twelve Hundred (\$1200.00) Dollars."

The amendment was adopted.

On motion of Senator Winfield, and by unanimous consent, the caption of the bill was amended to conform to the body of the bill as amended.

The bill was passed to third reading.

House Bill 521 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 521 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—20

Aikin	Metcalfe
Beck	Moffett
Brownlee	Moore
Graves	Morris
Hazlewood	Ramsey
Jones	Shivers
Lane	Stone
Lanning	Vick
Martin	Winfield
Mauritz	York

Nays—5

Bullock	Lovelady
Chadick	Weinert
Cotten	

Absent

Sulak

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time, and it failed to pass by the following vote:

Yeas—10

Beck	Moffett
Hazlewood	Shivers
Lanning	Stone
Mauritz	Winfield
Metcalfe	York

Nays—16

Aikin	Jones
Brownlee	Lane
Bullock	Lovelady
Chadick	Martin
Cotten	Moore
Graves	Morris

Ramsey
Sulak

Vick
Weinert

Absent—Excused

Fain
Formby
Kelley

Lemens
Spears

Reason for Vote

I voted nay on the first passage of H. B. No. 521 so that I could later move to reconsider the vote by which the bill failed to pass.

BROWNLEE.

Reports of Standing Committee

By unanimous consent, the following reports were submitted at this time:

Austin, Texas,
May 10, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Game and Fish to whom was referred H. B. No. 731 and H. B. No. 741, have had same under consideration, and I am instructed to report them back to the Senate with the recommendation that they do pass and be not printed.

STONE, Chairman.

House Bill 514 on Second Reading

On motion of Senator Graves, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 514, A bill to be entitled "An Act making an appropriation of Four Hundred and Fifty-two Dollars and Sixty Cents (\$452.60) from the Permanent School Fund for the purpose of reimbursing certain filing fees, etc.; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

House Bill 514 on Third Reading

Senator Graves moved that the constitutional rule requiring bills to be read on three several days be sus-

pending and that H. B. No. 514 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Nays—1

Cotten

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Bills and Resolutions Signed

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills and resolutions:

S. C. R. No. 53, Protesting restrictions by Department of Agriculture relative to marketing of wool.

S. B. No. 214, A bill to be entitled "An Act to provide for the exemption from Title 78 of the Revised Civil Statutes of 1925, and amendments thereto, corporations or unincorporated associations organized for the purpose of supporting charitable, benevolent, educational, or missionary undertakings financed in whole or in part by the United States of America; and declaring an emergency."

S. B. No. 27, A bill to be entitled "An Act providing a more efficient fiscal system for the State of Texas; creating a Legislative Audit Committee, and the appointment of a State Auditor by such Legislative Audit Committee repealing H. B. No. 170 Chapter 91, Acts of the First Called

Session of the Forty-first Legislature, and Section 18, Chapter 212, Acts, Regular Session, Fortieth Legislature; providing that the present State Auditor and Efficiency Expert and the Prison Auditor shall continue to discharge the duties of their offices under H. B. No. 170 and Section 18 above mentioned until a State Auditor is selected and qualifies under this Act; amending Article 4366, Revised Civil Statutes, 1925; providing for the transfer of appropriations and making additional appropriation; providing that one full time assistant auditor or employee be assigned to the Prison System; providing that the appointment of the State Auditor shall be by and with the consent of two-thirds (2/3) of the Members of the Senate; prescribing the qualifications, duties and authority of said State Auditor and providing for his compensation; providing for the necessary assistants for said Auditor and fixing their qualifications and compensation; providing for the payment of salaries, travel, and other expense of the office of State Auditor; providing for the removal of State Auditor and his assistants, or any of them, under certain conditions; providing a method of filling any vacancy in the office of State Auditor and vacancies in the personnel of said office; prescribing penalties; and declaring an emergency."

H. B. No. 188, A bill to be entitled "An Act to amend Section 2 of Chapter 212 of the General and Special Laws of the Regular Session of the Fortieth Legislature of Texas, so as to permit the use of convict labor for harvesting of crops during the war, or the national emergency, in areas near the prison system, repealing all laws in conflict herewith; etc.; and declaring an emergency."

H. C. R. No. 124, Authorizing State Health Officer to accept officially the building erected by the Federal Government to house the State Health Department.

H. C. R. No. 138, Instructing the Enrolling Clerk to make certain changes in H. B. No. 135.

H. C. R. No. 134, Authorizing correction of H. B. No. 108.

H. C. R. No. 103, Authorizing C. H. C. Anderson to sue the State.

Senate Resolution 102

Senator Beck, by unanimous consent, offered the following resolution at this time:

Whereas, House Bill No. 390 has passed both the House and the Senate and is now in the Governor's office, but it has been found that the vote of the Senate was not recorded; therefore be it

Resolved by the Senate, That the Governor be and he is hereby requested to return said House Bill No. 390 to the Senate.

The resolution was read, and, by unanimous consent, it was considered immediately.

The resolution was adopted.

House Bill 111 on Second Reading

Senator York moved that the regular order of business be suspended to take up for consideration at this time:

H. B. No. 111, A bill to be entitled "An Act to amend Article 2350, Title 44, Revised Civil Statutes of the State of Texas, 1925, as amended by the Acts of the 39th Legislature, Regular Session, Chapter 135, Section 1; etc.; and as amended by Act of the Fortieth Legislature, page 435, Chapter 290, Section 1, and as amended by Acts of the Fortieth Legislature, First Called Session, page 138, Chapter 46, Section 1; and as amended by Acts of the Forty-third Legislature, Regular Session, Chapter 216; and as amended by Acts of the Forty-third Legislature, First Called Session, Chapter 83, page 220; and as amended by Acts of the Forty-fourth Legislature, Regular Session, Chapter 362; and so as to provide the salaries of county commissioners and precinct commissioners in certain counties; providing that all laws or parts of law in conflict with this Act are hereby expressly repealed; providing that if any part of this Act be declared unconstitutional it shall not affect any remaining part; and declaring an emergency."

The motion prevailed by the following vote:

Yeas—20

Aikin	Jones
Beck	Lovelady
Brownlee	Mauritz
Chadick	Metcalf
Graves	Moffett
Hazlewood	Moore

Morris	Sulak
Ramsey	Vick
Shivers	Winfield
Stone	York

Nays—6

Bullock	Lanning
Cotten	Martin
Lane	Weinert

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time.

Senator York offered the following (committee) amendment to the bill:

(1)

Amend H. B. No. 111 by inserting therein the following "In any county with a total population of not less than thirty-seven thousand (37,000) nor more than forty thousand (40,000) with an assessed valuation not less than Twenty-six Million (\$26,000,000.00) Dollars nor more than Twenty-eight Million Dollars (\$28,000,000.00) the commissioners' salaries shall be Twenty-two Hundred and Fifty Dollars (\$2250.00) annually."

Senator Cotten offered the following amendment to the Committee amendment:

Amend committee amendment No. 1 on line 6 following the word "shall" by striking out the word "be" and insert in lieu thereof the following:

"shall not exceed, either in salary or expense the sum of."

The amendment to the amendment was adopted.

The (committee) amendment as amended was adopted.

Senator Cotten offered the following (committee) amendment to the bill:

(2)

Amend H. B. No. 111 by inserting therein the following :

"In any county with a total population of not less than thirty-eight thousand (38,000) nor more than forty thousand (40,000) with an assessed valuation not less than Four-

teen Million (\$14,000,000) Dollars nor more than Sixteen Million (\$16,000,000) Dollars the Commissioners' salaries shall be Eighteen Hundred (\$1800) Dollars annually."

The amendment was adopted.

Senator York offered the following (committee) amendment to the bill:

(3)

Amend H. B. No. 111 by adding a new Section to be known as Section ..., and which shall hereby read as follows:

"Section If any Section, Subsection, clause or phrase of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act and each Section, Subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more Sections, Subsections, sentences, clauses or phrases be declared unconstitutional."

The amendment was adopted.

Senator York offered the following (committee) amendment to the bill:

Amend H. B. No. 111, page 3, of the enrolled bill by striking out the following:

"\$85,000,001 and less than
120,000,000 not to exceed \$4,000.00
\$120,000,001 and less than
150,000,000 not to exceed 4,800.00
\$150,000,001 and over not
to exceed 5,500.00"

And substituting in lieu thereof the following:

"\$85,000,001 and less than
110,000,000 not to exceed \$4,000.00"

And by adding a new Section to be known as Section 1-a to read as follows:

"In no event shall the provisions of this Act apply to any county within this State having a population according to the last preceding or any future Federal Census in excess of 140,000 inhabitants."

The amendment was adopted.

Senator Ramsey offered the following amendment to the bill:

Amend H. B. No. 111, page 2, the last paragraph of Section 1, by striking "Five (\$5) Dollars" and "Twelve

Hundred (\$1200.00) Dollars" and insert in lieu thereof "Six (\$6) Dollars" and "Fifteen Hundred (\$1500.00) Dollars."

The amendment was adopted.

Senator Chadick offered the following amendment to the bill:

Amend H. B. No. 111, Section 3, by changing the period at the end of such Section to a semi colon and adding thereto the following:

"and such order of the commissioners court shall not be effective until said order has been published in each newspaper in said county for two consecutive weeks following the entering of said order."

The amendment was adopted.

The bill was passed to third reading by the following vote:

Yeas—19

Aikin	Moore
Beck	Morris
Brownlee	Ramsey
Chadick	Shivers
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Mauritz	Winfield
Metcalfe	York
Moffett	

Nays—7

Bullock	Lovelady
Cotten	Martin
Lane	Weinert
Lanning	

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

Motion to Place House Bill 111 on Third Reading

Senator York moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 111 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—20

Aikin	Chadick
Beck	Graves
Brownlee	Hazlewood

Jones
Lovelady
Mauritz
Metcalfe
Moffett
Moore
Morris

Ramsey
Shivers
Stone
Sulak
Vick
Winfield
York

Nays—6

Bullock
Cotten
Lane

Lanning
Martin
Weinert

Absent—Excused

Fain
Formby
Kelley

Lemens
Spears

House Concurrent Resolution 135

On motion of Senator Mauritz, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 135, Granting Mrs. Valasta Tomanes permission to sue the State Highway Department.

The President laid the resolution before the Senate and it was read and was adopted.

House Concurrent Resolution 129

On motion of Senator Mauritz, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 129, Authorizing Joe L. Weil or Ben Weil to sue the State.

The President laid the resolution before the Senate, and it was read and was adopted.

House Concurrent Resolution 128

On motion of Senator Bullock, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 128, Authorizing suit against Texas Prison System.

The President laid the resolution before the Senate, and it was read and was adopted.

**Report of Conference Committee on
House Bill 9**

Senator Aikin submitted the following report:

Austin, Texas,
May 8, 1943.

Hon. Price Daniel, Speaker of the
House of Representatives,

Hon. John Lee Smith, President of
the Senate.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and the Senate on H. B. No. 9, beg leave to report that we have considered the same and recommend that it do pass in the form and text hereto attached.

AIKIN,
MARTIN,
LANE,

On the Part of the Senate;

FAVORS,
PIGG,
PRUETT,
DOVE,

WESTBROOK,

On the Part of the House.

A BILL

To Be Entitled

"An Act to amend Subsection (4), Section 2, Article XX, of House Bill No. 8, Chapter 184, Acts of the Forty-seventh Legislature, State of Texas, Regular Session, and all subsequent amendments thereto, providing for the allocation of funds from the clearance Fund to the Old Age Assistance Fund; providing a limit of expenditure of State funds for old age assistance, appropriating old age assistance fund for the remainder of the fiscal year ending August 31, 1943; and declaring an emergency."

Be It Enacted by the Legislature of the State of Texas:

Section 1. Subsection (4), Section 2, Article XX, of House Bill No. 8, Chapter 184, Acts of the Forty-seventh Legislature, State of Texas, Regular Session, and all subsequent amendments thereto is hereby amended so as to hereafter read as follows:

"(4) After the above allocations and payments have been made from such Clearance Fund, there shall be paid therefrom into the Old Age Assistance Fund on the first of each

month such sum which, taken with the unexpended balance of State funds in such Old Age Assistance Fund, will establish in the Old Age Assistance Fund a total of One Million Nine Hundred Thousand Dollars (\$1,900,000.00) in State funds for that month. No more than One Million Nine Hundred Thousand Dollars (\$1,900,000.00) in State funds from whatever source, may be expended for old age assistance in any calendar month. If, on the first day of the calendar month, the unexpended balance in the Old Age Assistance Fund, plus the amount on that day transferred from the Clearance Fund to the Old Age Assistance Fund, shall not establish in the Old Age Assistance Fund the total sum of One Million Nine Hundred Thousand Dollars (\$1,900,000.00) in State funds for that month, then, in that event, there shall be deposited to the credit of the Old Age Assistance Fund from the first revenues collected after the first day of the month which would otherwise go into the General Revenue Fund such sum as, with the balance on hand in the fund plus the payment from the Clearance Fund, will make available in the Old Age Assistance Fund a total amount of State funds for that month of One Million Nine Hundred Thousand Dollars (\$1,900,000.00). The funds now on hand in, or hereafter deposited to the credit of the Old Age Assistance Fund are hereby appropriated for the uses and purposes prescribed by law, subject, however, to the provisions of this Act. This appropriation is for the remainder of the fiscal year ending August 31, 1943. The \$1,900,000.00 per month State funds herein appropriated shall be and is in lieu of all other State appropriations for old age assistance, and this State appropriation of \$1,900,000.00 shall not include any funds received from the Federal Government."

Sec. 2. All laws in conflict herewith are hereby repealed to the extent of such conflict only.

Sec. 3. The fact that old age assistance benefits have been reduced, with the immediate probability of further reductions, and the fact that insufficient money is available for old age assistance, together with the fact that the cost of living is increasing and many old people are not properly clothed and fed because of the reduction of their pensions, and the crowd-

ed condition of the calendar, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House, and the Constitutional Rule requiring bills to take effect and go into force ninety days after the adjournment of the session, be and the same are hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was adopted by the following vote:

Yeas—24

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Winfield
Lovelady	York

Nays—2

Moore	Weinert
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Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

Senate Bill 323 with House Amendments

Senator Cotten called S. B. No. 323 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate, and the House amendments were read.

Senator Cotten moved the Senate concur in the House amendments.

Senator Mauritz moved that the Senate do not concur in the House amendments and that a Conference Committee be requested to adjust the differences between the two Houses on the bill.

Question first recurring on the motion of Senator Mauritz, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—10

Hazlewood	Moore
Lane	Sulak
Lanning	Weinert
Mauritz	Winfield
Moffett	York

Nays—14

Aikin	Jones
Beck	Lovelady
Brownlee	Morris
Bullock	Ramsey
Chadick	Shivers
Cotten	Stone
Graves	Vick

Present—Not Voting

Martin

Absent

Metcalf

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

(President pro tempore Mauritz in the Chair.)

Question next recurring on the motion of Senator Cotten, it prevailed.

Report of Standing Committee

By unanimous consent, the following report was submitted at this time:

Austin, Texas,
May 7, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Educational Affairs to whom was referred H. B. No. 143, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

LOVELADY, Chairman.

Senate Bill 128 with House Amendments

Senator Morris called S. B. No. 128 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

On motion of Senator Morris, the Senate concurred in the House amendments.

Record of Vote

Senator Aikin asked to be recorded as voting "nay" on the amendments.

House Bill 544 on Second Reading

Senator Lane moved that the regular order of business be suspended to take up for consideration at this time:

H. B. No. 544, A bill to be entitled "An Act to amend Article 2815, Chapter 13, Title 49, Revised Civil Statutes of Texas, 1925, by providing a method of withdrawal in addition to the present method of dissolution; and declaring an emergency."

The motion prevailed by the following vote:

Yeas—24

Aikin	Metcalf
Beck	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Martin	Winfield
Mauritz	York

Nays—2

Brownlee	Lovelady
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Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

The President pro tempore laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time.

Senator Lane offered the following amendment to the bill:

Amend H. B. No. 544 by inserting in line 28 of printed House bill after the word district the following:

"If three years have elapsed after the date of the election at which such districts were consolidated."

The amendment was adopted.

The bill was passed to third reading.

House Bill 544 on Third Reading

Senator Lane moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 544 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—18

Aikin	Mauritz
Beck	Moffett
Brownlee	Moore
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Weinert
Lane	Winfield
Lanning	York

Nays—3

Lovelady	Vick
Metcalf	

Present—Not Voting

Chadick

Absent

Bullock	Morris
Martin	Sulak

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Hazlewood and Brownlee asked to be recorded as voting "nay" on the bill.

(President in the Chair.)

Senate Bill 195 with House Amendments

Senator Beck called S. B. No. 195 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

The Senate concurred in the House amendments by the following vote:

Yeas—26

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

Senate Bill 350 with House Amendments

Senator Moore called S. B. No. 350 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

The Senate concurred in the House amendments by the following vote:

Yeas—26

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

Executive Session

At 12:05 o'clock p. m., the President announced the arrival of the hour for an executive session of the Senate, and he requested all those not entitled to attend the executive session

to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the following nominations had been confirmed by the Senate:

To be Director of the Brazos River Conservation and Reclamation District, to fill the unexpired term of Mr. R. E. Baskin, deceased, said term expiring February 1, 1945:

Bruce B. Campbell of Knox City, Knox County.

To be Members of the State Board of Veterinary Medical Examiners for two year terms expiring January 1, 1945:

A. C. Burns of Cleburne, Johnson County;

Jack Skiles of Denton, Denton County;

Archie Stalling of Houston, Harris County;

O. E. Wolfe of Big Spring, Howard County;

C. W. Neal of San Antonio, Bexar County;

J. K. Northway of Kingsville, Kleberg County.

To be Member of the State Board of Education for a six year term expiring January 1, 1949:

Gilbert M. Denman of San Antonio, Bexar County.

To be Rio Grande Compact Commissioner for a two year term expiring July 16, 1945:

J. E. Quad of El Paso, El Paso County.

To be Members of the State Board of Public Accountancy for two year terms expiring January 17, 1945:

J. B. Allred of Wichita Falls, Wichita County;

Clifton H. Morris of Fort Worth, Tarrant County;

O. H. Maschek of Beaumont, Jefferson County;

J. A. Phillips of Houston, Harris County;

C. A. Freeze of San Angelo, Tom Green County.

To be a Member of the State Board of Public Welfare for a six year term to expire January 20, 1949:

Hubert T. Johnson of Waco, McLennan County.

To be Members of the Board of Directors, San Antonio River Canal

and Conservancy District for six year terms expiring May 5, 1949:

W. B. Tuttle, San Antonio, Bexar County;

E. H. Kifer, San Antonio, Bexar County;

John Weber, Goliad, Goliad County.

To be Members of the Washington State Park Commission for two year terms expiring February 29, 1944:

Ewing Norwood, Navasota, Grimes County;

Mrs. Stella Brosig, Navasota, Grimes County;

Mrs. E. P. Anderson, Brenham, Washington County;

Mrs. A. W. Green, Brenham, Washington County;

Herman Zschappel, Brenham, Washington County.

To be Members of the State Commission for the Blind:

Walter Buckner of San Marcos for the two year term to expire January 1, 1945;

Miss Rebecca Chapin of Plainview for the term expiring January 1, 1947;

Mrs. Norma Hancock of San Antonio for the term expiring January 1, 1949.

The President called the Senate to order as in legislative session as 1:25 o'clock p. m.

Recess

On motion of Senator Cotten, the Senate, at 1:26 o'clock p. m., took recess to 3:00 o'clock p. m. today.

Afternoon Session

The Senate met at 3:00 o'clock p. m. and was called to order by the President pro tempore.

Message from the Governor

The following message from the Governor was received and was read to the Senate:

Austin, Texas,
May 10, 1943.

To the Senate of the Forty-eighth Legislature:

Complying with S. R. No. 102, I am returning to the Senate, H. B. No. 390.

Respectfully submitted,
COKE R. STEVENSON,
Governor of Texas.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 10, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

The House has concurred in Senate amendments to H. B. No. 657 by a vote of 135 yeas, 0 noes.

The House has concurred in Senate amendments to H. B. No. 544 by a viva voce vote.

The House has concurred in Senate amendments to H. C. R. No. 120 by a viva voce vote.

The House has concurred in Senate amendments to H. B. No. 712 by a vote of 58 yeas, 54 noes.

The House has concurred in Senate amendments to H. B. No. 685 by a viva voce vote.

The House has adopted the Conference Committee report on H. B. No. 9 by a vote of 119 yeas, 5 noes.

The House has appointed the following conferees on S. B. No. 354: Lehman, Stanford, Rhodes, Colson, and Rampy.

H. C. R. No. 145, Relating to the enforcement of H. B. No. 439.

H. C. R. No. 147, Requesting the Governor to return H. B. No. 641 to correct caption.

H. C. R. No. 143, Authorizing correction of H. B. No. 520.

H. C. R. No. 140, Directing that H. B. No. 520 shall take immediate effect.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

Bills and Resolutions Signed

The President pro tempore signed in the presence of the Senate, after their captions had been read, the following enrolled bills and resolutions:

H. B. No. 135, A bill to be entitled "An Act amending Section 29, House Bill 611, Acts of the Forty-seventh Legislature, Regular Session, pro-

viding that the county judge may endorse the last warrant written for the old-age assistance, aid to the blind, or aid to dependent children recipient, but not endorsed by such recipient prior to his death, as payable to the person designated by the State Department of Public Welfare as the one responsible for the care and the obligations incurred by the recipient; etc.; and declaring an emergency."

H. B. No. 745, A bill to be entitled "An Act for the purpose of better conserving the marine resources of this State by providing certain regulations and restrictions in regard to the tidal waters of Aransas County for the duration of the war; etc.; and declaring an emergency."

H. B. No. 649, A bill to be entitled "An Act authorizing the Texas Highway Commission to exchange; etc.; and declaring an emergency."

H. B. No. 467, A bill to be entitled "An Act amending Article 5017 of the Revised Civil Statutes of Texas, 1925, as continued or amended by Acts, 1929, Forty-first Legislature, First Called Session, p. 32, Ch. 11, Sec. 1, providing severality; etc.; and declaring an emergency."

H. B. No. 199, A bill to be entitled "An Act making appropriation of certain sums of money, or so much thereof as may be necessary, out of the General Revenue Fund to pay taxes due by the State to a certain independent school district; etc.; and declaring an emergency."

H. B. No. 744, A bill to be entitled "An Act amending Section 4 of H. B. No. 961, Chapter 458, Acts of the Forty-seventh Legislature, Regular Session, 1941, authorizing the Commissioners' Court of Dallas County to allow the County Judge, County Auditor, and County Commissioners necessary traveling expenses when traveling on official county business in connection with the public roads and highways of Dallas County, providing for payment thereof out of the road and bridge fund of Dallas County upon order of the commissioners' court, and providing that traveling expenses for out-of-State trips by said officers shall be allowed only when such trips are authorized in advance by order of the commissioners' court stating the nature of the official county business to be transacted without the State and expressly

declaring each such out-of-State trip to be necessary for the maintenance of the public roads and highways of Dallas County; etc.; and declaring an emergency."

H. B. No. 136, A bill to be entitled "An Act amending Article 2911 Revised Civil Statutes providing for the teaching of the effects of alcohol and narcotics in all grades of the public schools, colleges and universities of Texas that are wholly or in part supported by public funds; and declaring an emergency."

H. B. No. 716, A bill to be entitled "An Act authorizing the District Attorney of the 79th Judicial District to appoint one Assistant District Attorney; prescribing the qualifications and duties of such assistant; fixing his salary; etc.; and declaring an emergency."

H. B. No. 164, A bill to be entitled "An Act amending Article 2789 of the Revised Civil Statutes of the State of Texas, relating to the refunding of bonds issued by any town or village incorporated for free school purpose only, or any common, independent, or consolidated common, or consolidated independent county line, or consolidated county line or rural high school district, providing new bonds bearing the same or less rate of interest maturing within forty years from date of issue may be issued and providing that said bonds may be optional and payable on any interest payment date and giving the State the option to purchase said new refunding bonds by meeting the best bona fide bid when said bonds do not bear less than 2.5% interest; etc.; and declaring an emergency."

H. B. No. 606, A bill to be entitled "An Act making it lawful to hunt wounded wild deer with one dog in Hardin County, during the open season of each year; and declaring an emergency."

H. B. No. 651, A bill to be entitled "An Act providing for counties and cities to jointly operate and maintain hospitals, providing for a board of managers for the operation of such hospitals, and further providing for the delegation by cities and counties to such board control of such hospitals, providing for a direct tax levy; and declaring an emergency."

H. B. No. 489, A bill to be entitled "An Act amending Section 12, Chapter 271, General Laws of the Forty-

second Legislature, Regular Session, providing for a filing fee of Five, Dollars to accompany each mineral prospect permit application; etc.; and declaring an emergency."

H. B. No. 605, A bill to be entitled "An Act amending Article 7506 of the Revised Civil Statutes of Texas, 1925, so as to clearly provide the circumstances under which applications for water rights shall be denied by the Board of Water Engineers, and so as to adjust the conflict between Articles 7506 and 7507 of the Revised Civil Statutes, and declaring an emergency."

H. B. No. 44, A bill to be entitled "An Act amending Article 227 of Title Six of the Penal Code of the State of Texas, 1925; etc.; and declaring an emergency."

H. B. No. 719, A bill to be entitled "An Act amending Article 5133, Revised Civil Statutes of Texas, 1925, to provide a change in the appointment of the Superintendent of the Girls' Training School; and declaring an emergency."

H. B. No. 735, A bill to be entitled "An Act amending Article 322 of the Revised Civil Statutes of Texas, as amended by the Forty-third Legislature; etc.; and declaring an emergency."

H. B. No. 422, A bill to be entitled "An Act making appropriations to pay deficiency appropriations granted by the Governor prior to January 1, 1943, and for which no appropriations have heretofore been made; etc.; and declaring an emergency."

H. C. R. No. 137, Authorizing certain corrections in H. B. No. 655.

H. B. No. 470, A bill to be entitled "An Act amending the provisions of Article 4686 of the Revised Civil Statutes of Texas, 1925, as amended by Acts 1933, Forty-third Legislature p. 420, Chapter 164; etc.; and declaring an emergency."

H. B. No. 349, A bill to be entitled "An Act amending Section 3 of Chapter 46, Acts of the Forty-fifth Legislature (Section 3 of Article 5142b, Revised Civil Statutes of Texas) by providing that in counties having population of not more than three hundred twenty thousand (320,000) inhabitants, and not less than two hundred twenty thousand (220,000) inhabitants, there shall be a chief juvenile officer, and such number of

assistant juvenile officers not exceeding ten as may be authorized by the Juvenile Board, and providing for the filling of vacancies in such offices by appointment of said Board."

H. B. No. 495, A bill to be entitled "An Act amending Subsection 97, Article 199, Title 8, Revised Civil Statutes of Texas, 1925, changing the time and term of holding the 97th Judicial District Court in Montague and Clay Counties constituting the 97th Judicial District of Texas; etc.; and declaring an emergency."

H. B. No. 482, A bill to be entitled "An Act amending Article 4201, Chapter 8, Title 69, Revised Civil Statutes of Texas, 1925, as amended by Section 1, of S. B. No. 336, Chapter 84, Acts of the Forty-fourth Legislature, 1935, relative to the sale of real estate by guardians and prescribing the terms of sale and requisites of orders directing the sale of real estate and requiring bond; etc.; and declaring an emergency."

H. B. No. 108, A bill to be entitled "An Act authorizing the commissioners' court of certain counties, at their option, to levy a tax not to exceed five cents (5c) on the One Hundred Dollars valuation upon personal and real property for the purpose of creating a County Health Unit and paying for medical supplies and services for the immunization of school children and indigent people from communicable diseases; etc.; and declaring an emergency."

H. B. No. 560, A bill to be entitled "An Act amending Section 6 of Chapter 427, Acts of the First Called Session of the Forty-fourth Legislature, as amended by Section 2 of Chapter 20, Acts of the Second Called Session of the Forty-fifth Legislature, and Section 7 of Chapter 427, Acts of the First Called Session of the Forty-fourth Legislature, as amended by Section 3 of Chapter 20, Acts of the Second Called Session of the Forty-fifth Legislature; etc.; and declaring an emergency."

H. B. No. 707, A bill to be entitled "An Act to amend Article 2250, Revised Civil Statutes of Texas, 1925 by including therein the right of appeal from interlocutory orders of county courts appointing receivers or trustees and interlocutory orders of county courts overruling motions to vacate orders appointing receivers or

trustees; and declaring an emergency."

S. C. R. No. 57, Authorizing correction of S. B. No. 335.

S. C. R. No. 56, Recalling S. B. No. 335 for correction.

S. C. R. No. 59, Suspending Joint Rule 9 to permit passage of certain bills.

Senate Concurrent Resolution 60

Senator Hazlewood offered the following resolution:

S. C. R. No. 60, Authorizing correction of S. B. No. 100.

Whereas, S. B. No. 100 has passed the Senate and the House of Representatives; and

Whereas, The House of Representatives amended S. B. No. 100 to include three additional articles and also amended the caption to conform and stated in the amendment to the caption that the purpose of the bill was to amend Article 333 of the Code of Criminal Procedure of the State of Texas to conform with Article 2104 of the Revised Civil Statutes of the State of Texas; and

Whereas, Said bill does not contain Subsection 5 of said Article 2104; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the Enrolling Clerk of the Senate be instructed to insert the following Section to S. B. No. 100:

"5. The same person shall not act as jury commissioner more than once in the same year."

The resolution was read; and by unanimous consent, was considered immediately and was adopted.

Senate Concurrent Resolution 61

Senator Metcalfe offered the following resolution:

S. C. R. No. 61, Relating to expenditures by State Commission for the Blind.

Whereas, The Legislature has passed H. B. No. 352 creating a six member board for the State Commission for the Blind; and

Whereas, The State Comptroller of Public Accounts has advised the Executive Secretary of the State Commission for the Blind that all expense items which must be submitted to the Comptroller for pay-

ment must be approved by at least four members of the State Commission for the Blind; and

Whereas, All laws and amendments thereto creating and establishing the State Commission for the Blind are silent on the method of approving authorized expenditures to the State Comptroller for payment; therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That it is the intent of the Legislature that the Chairman of the State Commission for the Blind and the Executive Secretary of said Commission shall approve all authorized expenditures to the State Comptroller for payment and that no other approval on the part of the Commission for the Blind shall be necessary.

The resolution was read, and was adopted.

Communication from the State Board of Public Welfare

The President pro tempore laid before the Senate, the following communication, which was read to the Senate:

State Department of
Public Welfare

Austin, Texas,
May 10, 1943.

Hon. John Lee Smith, Lieutenant Governor and the Texas State Senate, Austin, Texas.

Gentlemen: By request of Mr. Dudley L. Lewis, we wish to withdraw his name from consideration as Executive Director of the Department of Public Welfare.

As a courtesy to Mr. Hubert Johnson of Waco who has been appointed as a member of the Board of Public Welfare, we would like to wait for his confirmation before submitting another name for Executive Director which we hope to be able to do before the Senate adjourns.

STATE BOARD OF
PUBLIC WELFARE,
MARVIN LEONARD,
Chairman;
THOS. H. TAYLOR,
Member.

Report of Conference Committee on Senate Bill 256

Senator Martin called up for consideration at this time the motion to reconsider the vote by which the report of the Conference Committee on S. B. No. 256 was adopted, the motion having been made and spread on the Journal on April 21, 1943.

The motion to reconsider prevailed by the following vote:

Yeas—16

Brownlee	Moore
Cotten	Morris
Graves	Stone
Jones	Sulak
Martin	Vick
Mauritz	Weinert
Metcalfe	Winfield
Moffett	York

Nays—6

Aikin	Hazlewood
Bullock	Lane
Chadick	Lovelady

Absent

Beck	Ramsey
Lanning	Shivers

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

Question—Shall the report be adopted?

Senator Moore moved that the report be returned to the Conference Committee for further study.

The motion prevailed.

Senate Concurrent Resolution 62

Senator Morris, by unanimous consent, offered at this time the following resolution:

S. C. R. No. 62, Suspending Joint Rule No. 9 to permit consideration of H. B. No. 499 during the last 24 hours of the regular session.

Whereas, H. B. No. 499 has been reported from the Senate Finance Committee favorably and is now pending on the Senate calendar; and

Whereas, It passed the House by a large majority and unless this bill is passed, the appropriation for the Blind will be inadequate for the next biennium; now, therefore, be it

Resolved, That Joint Rule No. 9 and any other rules prohibiting the consideration of this measure, H. B. No. 499, be suspended and that the Senate be permitted to consider H. B. No. 499 until finally passed.

The resolution was read and was adopted unanimously.

Message from the Governor

Austin, Texas,
May 10, 1943.

To the Senate of the Forty-eighth Legislature:

Complying with S. C. R. No. 56, I am returning herewith S. B. No. 335 to the Senate.

Respectfully submitted,
COKE. R. STEVENSON,
Governor of Texas.

House Concurrent Resolution 140

On motion of Senator Weinert, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 140, Directing that H. B. No. 520 shall take effect immediately.

The President laid the resolution before the Senate, and it was read and was adopted.

House Concurrent Resolution 143

On motion of Senator Weinert, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 143, Authorizing correction of H. B. No. 520.

The President laid the resolution before the Senate, and it was read and was adopted.

House Concurrent Resolution 147

On motion of Senator Winfield, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 147, Recalling H. B. No. 641 from the Governor for correction.

The President laid the resolution before the Senate, and it was read and was adopted.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 10, 1943.

Hon. John Lee Smith, President of
the Senate.

Sir: I am directed by the House
to inform the Senate that the House
has passed the following resolutions:

S. C. R. No. 62, Relating to the
suspension of Rule No. 9.

S. C. R. No. 61, Relating to the
Commission for the Blind.

Respectfully submitted,

CLARENCE JONES,

Chief Clerk, House of Representatives.

Senate Concurrent Resolution 63

Senator Hazlewood offered the fol-
lowing resolution:

S. C. R. No. 63, Suspending Joint
Rule No. 9, to permit passage of H.
B. No. 462 and H. B. No. 742 during
last 24 hours of the session.

Be It Resolved by the Senate of
the State of Texas, the House of
Representatives concurring, That the
part of Joint Rule No. 9 which pro-
hibits the passage of any bill within
the last twenty-four hours of the
session unless it be to correct an
error therein be suspended until 12
o'clock noon Tuesday, May 11, 1943,
to permit the Senate to consider the
passage of H. B. No. 462 and H. B.
No. 742.

The resolution was read and was
adopted unanimously.

House Bill 390 on Final Passage

On motion of Senator Beck, and
by unanimous consent, the vote by
which H. B. No. 390 was passed on
May 6, 1943, was reconsidered.

The President laid the bill before
the Senate on its final passage.

The bill was passed by the follow-
ing vote:

Yeas—24

Aikin	Lanning
Beck	Lovelady
Brownlee	Martin
Bullock	Mauritz
Chadick	Metcalf
Graves	Moffett
Hazlewood	Moore
Jones	Morris
Lane	Ramsey

Shivers
Stone
Sulak

Vick
Winfield
York

Absent

Cotten

Weinert

Absent—Excused

Fain
Formby
Kelley

Lemens
Spears

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 10, 1943.

Hon. John Lee Smith, President of
the Senate.

Sir: I am directed by the House
to inform the Senate that the House
has passed the following bills:

H. B. No. 670, A bill to be entitled
"An Act to amend Section 2, Chap-
ter 88, Acts of the Second Called
Session of the Forty-first Legisla-
ture, as amended by Section 2,
Chapter 23, Acts of the Fifth Called
Session of the Forty-first Legisla-
ture, as amended by Section 3,
Chapter 110, Acts of the Regular
Session of the Forty-seventh Legis-
lature, providing that all fees paid
by common carrier motor bus opera-
tors and common carrier motor
freight lines who or which operate
in more than one county in this State
over fixed routes for the registra-
tion of motor vehicles shall be re-
mitted by the County Tax Collector
to the State Highway Department
which said department shall deposit
the fees in the State Treasury in the
State Highway Fund and thereafter
sixty (60%) per cent of the fees paid
by each such common carrier shall
be distributed among the various
counties into or through which each
county will receive the same pro-
portion of sixty (60%) per cent of
the total fees paid by such carrier
as the mileage of that carrier in each
county bears to the total mileage of
such carrier in this State; etc.; and
declaring an emergency."

The House has adopted the Confer-
ence Committee report on S. B. No.
230 by a vote of 62 yeas, 44 nays.

S. B. No. 182, A bill to be entitled
"An Act declaring the floods of Colo-
rado County, Fayette County, and

Jackson County, Texas, to be a public calamity; etc.; and declaring an emergency."

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

Senate Bill 117 with House Amendments

Senator Moffett called S. B. No. 117 from the President's table for consideration of the House amendments to the bill.

The President pro tempore laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Moffett moved that the Senate concur in the House amendments.

Senator Martin moved that the Senate do not concur in the House amendments and that a conference committee be requested to adjust the differences between the two Houses on the bill.

Question first recurring on the motion of Senator Martin, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—11

Bullock	Mauritz
Cotten	Metcalf
Graves	Stone
Hazlewood	Weinert
Lanning	Winfield
Martin	

Nays—14

Aikin	Moore
Beck	Morris
Brownlee	Ramsey
Chadick	Shivers
Lane	Sulak
Lovelady	Vick
Moffett	York

Absent

Jones

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

The motion of Senator Moffett prevailed by the following vote:

Yeas—22

Aikin	Brownlee
Beck	Bullock

Chadick	Moore
Graves	Morris
Hazlewood	Ramsey
Jones	Shivers
Lane	Stone
Lovelady	Sulak
Martin	Vick
Mauritz	Winfield
Moffett	York

Nays—4

Cotten	Metcalf
Lanning	Weinert

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

House Bill 499 on Second Reading

On motion of Senator Morris, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 499, A bill to be entitled "An Act appropriating and transferring for each fiscal year in the biennium ending August 31, 1945 to the Special Fund in the Treasury known as the 'Blind Assistance Fund' for the purpose of providing and administering assistance to the blind as authorized by law the sum of Seven Hundred Thousand (\$700,000.00) Dollars from the Clearance Fund established by H. B. No. 8, Regular Session, Acts Forty-seventh Legislature, said amount to be provided on a basis of equal monthly installments; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

House Bill 499 on Third Reading

Senator Morris moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 499 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Bullock
Beck	Chadick
Brownlee	Cotten

Graves	Moore
Hazlewood	Morris
Jones	Ramsey
Lane	Shivers
Lemens	Stone
Lovelady	Sulak
Martin	Vick
Mauritz	Weinert
Metcalfe	Winfield
Moffett	York

Absent—Excused

Fain	Lanning
Formby	Spears
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Concurrent Resolution 64

Senator Shivers offered the following resolution:

S. C. R. No. 64, Memorializing the Congress of the United States to call a convention to amend the Constitution of the United States, relative to taxes on incomes, gifts and inheritances and to provide limitations on taxes so levied, and to repeal the Sixteenth Amendment to the Constitution of the United States.

Whereas, There is now pending in the Congress of the United States proposed legislation to repeal the Sixteenth Amendment to the Constitution of the United States, and to amend the Constitution of the United States relative to taxes on incomes, gifts and inheritances; and providing for a limitation of taxes thereon; and

Whereas, The people of the State of Texas are greatly interested in the passage of such legislation; therefore be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the Congress of the United States be memorialized as follows: That application be and it hereby is made to the Congress of the United States to call a convention for the purpose of proposing the following article as an amendment to the Constitution of the United States:

Article

Section 1. The Sixteenth Amendment to the Constitution of the United States is hereby repealed.

Sec. 2. The Congress shall have the power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration; provided, that in no case shall the maximum rate of tax exceed twenty-five (25) per centum.

Sec. 3. The maximum rate of any tax, duty, or excise which Congress may lay and collect with respect to the devolution or transfer of property, or any interest therein, upon or in contemplation of death or intended to take effect in possession or enjoyment at or after death or by way of gift, shall in no case exceed twenty-five (25) per centum.

Sec. 3A. The limitations upon the rates of said taxes contained in Sections 2 and 3 shall, however, be subject to the qualification that in the event of a war in which the United States is engaged creating a grave national emergency requiring such action to avoid national disaster, the Congress by a vote of three-fourths of each House may for a period not exceeding one year increase beyond the limits above prescribed the maximum rate of any such tax upon income subsequently accruing or received or with respect to subsequent devolutions or transfers of property, with like power, while the United States is actively engaged in such war, to repeat such action as often as such emergency may require.

Sec. 4. Sections 1 and 2 shall take effect at midnight on the thirty-first day of December following the ratification of this article. Nothing contained in this article shall affect the power of the United States after said date to collect any tax on incomes for any period ending on or prior to said thirty-first day of December laid in accordance with the terms of any law then in effect.

Sec. 5. Section 3 shall take effect at midnight on the last day of the sixth month following the ratification of this article. Nothing contained in this article shall affect the power of the United States to collect any tax on any devolution or transfer occurring prior to the taking effect of Section 3 laid in accordance with the terms of any law then in effect; and be it further

Resolved, That the Congress of the United States be, and it hereby is,

requested to provide, as the mode of ratification, that said amendment shall be valid to all intents and purposes, as part of the Constitution of the United States, when ratified by the Legislatures of three-fourths of the several States; and be it further

Resolved, That the Secretary of State be, and he hereby is, directed to send a duly certified copy of this resolution to the House of Representatives in the Congress of the United States and one to the Senate of the United States, and to each Texas member thereof.

SHIVERS,
MAURITZ.

The resolution was read and was adopted.

Adjournment

On motion of Senator Graves, the Senate, at 5:30 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

SIXTY-SEVENTH DAY

(Tuesday, May 11, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York
Martin	

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence Granted

Senator Shivers was granted leave of absence for today on account of important business, on motion of Senator Beck.

Appointment of Special Committee

Pursuant to S. R. No. 100, the President announced the appointment of the following committee to present to the Governor an official copy of the resolution, as a testimonial of the Senate's esteem:

Senators Mauritz, Aikin, and Moore.

(Senator Moffett in the Chair.)

Report of Committee to Investigate Matters Pertaining to Textbooks

Senator Metcalfe submitted the following report:

Austin, Texas,
May 10, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee appointed under authority of S. R. No. 35 to investigate the situation of text books, their purchase, distribution, replacement, rebinding, etc., beg leave to report back as follows:

In spite of pressure of session meetings we have held preliminary hearings and laid excellent groundwork for the development of legislation that will be of permanent benefit in the solution of the problem existing by reason of the furnishing of free text books to the children of Texas.

We have had the help of an Assistant Attorney General, and have had before us the State Superintendent of Public Instruction, several members of the State Board of Education, the head of the Textbook Division of the State Department of Public Instruction, and the operator of a book rebinding company.

All hearings of the committee to date have been without cost to the Senate inasmuch as the testimony was taken down and transcribed by the regular secretaries of the Members of the Senate and no expense has been had to secure witnesses.

These preliminary hearings indicate that there is a real need for a complete study and careful revision of the laws governing free text books in Texas to the end that a system be formulated that will be adequate and efficient.

METCALFE, Chairman.